

Order

**Michigan Supreme Court
Lansing, Michigan**

March 14, 2007

Clifford W. Taylor,
Chief Justice

ADM File No. 2005-20

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Proposed Amendment
of Rule 8.110 of the
Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 8.110 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will be considered at a public hearing. The notices and agendas for public hearings are posted on the Court's website at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining, and deletions
are indicated by strikeover.]

Rule 8.110 Chief Judge Rule

(A)-(C)[Unchanged.]

(D) Court Hours; Court Holidays; Judicial Absences.

(1)-(5)[Unchanged.]

(6) Medical Leave. A judge, a judge of the Court of Appeals, or a justice of the Supreme Court must provide medical documentation verifying the need for medical leave if requested by the chief judge or chief justice. A judge in a single-judge court must provide this medical documentation to the state court administrator at the state court administrator's request. The chief judge or chief justice shall report to the state court administrator any judge or justice who uses more than 12 consecutive weeks of medical leave or

who provides medical documentation that the chief judge or chief justice deems insufficient. Upon receiving such notification, the state court administrator may require that judge or justice to submit to an independent medical examination.

~~(6)~~(7) [Unchanged.]

Staff Comment: The proposed amendment of Rule 8.110 of the Michigan Court Rules would allow a chief judge or the chief justice to request medical documentation verifying the need for a judge's or justice's medical leave. The decision to request medical documentation would be at the discretion of the chief judge or chief justice. Failure to provide sufficient documentation for sick leave or a sick-leave absence that lasts for more than 12 consecutive weeks would require the chief judge or chief justice to report that fact to the state court administrator, who would then be authorized to order an independent medical examination.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the state court administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by July 1, 2007, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm. When filing a comment, please refer to ADM File No. 2005-20.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 14, 2007

Corbin R. Davis
Clerk